

FORM PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 4161-2
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/088,678
INTERNATIONAL APPLICATION NO. PCT/IT00/00373	INTERNATIONAL FILING DATE 21/09/2000	PRIORITY DATE CLAIMED 21/09/1999

TITLE OF INVENTION
METHOD FOR THE SELECTIVE PROTECTION OF PROLIFERATING NORMAL CELLS AND THE SELECTIVE ERADICATION OF TUMOR CELLS HAVING AN INACTIVE P53 PATHWAY

APPLICANT(S) FOR DO/EO/US
TATO, F

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 To 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information. Submission of Inventors' Declaration Under 37 C.F.R. §1.42 and 1.63; Copy of Notification of Missing Requirements; Declaration of Substitutive of a Notarity Deed (in Italian) including a verified English translation of same; Response to Notification of Missing Requirements.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/088,678	INTERNATIONAL APPLICATION NO. PCT/IT00/00373	ATTORNEY'S DOCKET NUMBER 4161-2
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5): -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO\$1040.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO\$890.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO\$740.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)\$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)\$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> <div style="text-align: right;">\$ 0.00</div> Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)). <div style="text-align: right;">\$ 0.00</div> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:15%;">NUMBER FILED</th> <th style="width:15%;">NUMBER EXTRA</th> <th style="width:15%;">RATE</th> <th style="width:15%;"></th> <th style="width:15%;"></th> </tr> <tr> <td>Total Claims</td> <td>53</td> <td>-20 =</td> <td>33</td> <td>X</td> <td>\$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>6</td> <td>-3 =</td> <td>3</td> <td>X</td> <td>\$84.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td></td> <td>\$280.00</td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td> <td></td> <td>\$ 1126.00</td> </tr> </table> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. <div style="text-align: right;">SUBTOTAL =</div> <div style="text-align: right;">\$ 563.00</div> Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)). <div style="text-align: right;">+ 0.00</div> <div style="text-align: right;">TOTAL NATIONAL FEE =</div> <div style="text-align: right;">\$ 563.00</div> Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property <div style="text-align: right;">+ \$ 40.00</div> Two month extension fee (small entity) Application (\$400 - Small Entity = \$200) <div style="text-align: right;">\$ 200.00</div> <div style="text-align: right;">TOTAL FEES ENCLOSED =</div> <div style="text-align: right;">\$ 803.00</div> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;"></td> <td style="width:15%;">Amount to be:</td> <td style="width:15%;"></td> </tr> <tr> <td></td> <td>refunded</td> <td>\$</td> </tr> <tr> <td></td> <td>Charged</td> <td>\$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total Claims	53	-20 =	33	X	\$18.00	Independent Claims	6	-3 =	3	X	\$84.00	MULTIPLE DEPENDENT CLAIMS(S) (if applicable)					\$280.00	TOTAL OF ABOVE CALCULATIONS =					\$ 1126.00		Amount to be:			refunded	\$		Charged	\$	CALCULATIONS PTO USE ONLY
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Total Claims	53	-20 =	33	X	\$18.00																																			
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	Amount to be:																																							
	refunded	\$																																						
	Charged	\$																																						

a. ☒ A check in the amount of \$803.00 to cover the above fees is enclosed.
 b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.
 c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
 d. ☒ The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

NIXON & VANDERHYE P.C.
 1100 North Glebe Road, 8th Floor
 Arlington, Virginia 22201-4714
 Telephone: (703) 816-4000
 ARC:eaw

SIGNATURE

Arthur R. Crawford
 NAME

00000061 10088678

01 FC:2615 297.00 OP
 02 FC:2614 125.00 OP
 03 FC:2616 140.00 OP
 04 FC:2252 200.00 OP

25,327
 REGISTRATION NUMBER

October 16, 2002
 Date

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TATO, F

Atty. Ref.: 4161-2

Serial No. 10/088,678

Group:

Filed: March 21, 2002

Examiner:

For: METHOD FOR THE SELECTIVE PROTECTION OF PROLIFERATING
NORMAL CELLS AND THE SELECTIVE ERADICATION OF TUMOR CELLS
HAVING AN INACTIVE P53 PATHWAY

* * * * *

October 16, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Responsive to the Notice to File Missing Requirements dated June 18, 2002,
petition is hereby made for a two month extension of time for which our check in the
appropriate amount is attached.

Attached is a declaration from the inventors in compliance with 37 CFR §1.497(a)
and (b).

The Notice to Filing Missing Parts also indicated that nucleotide and/or amino
acid sequence disclosures were noted in the application and therefore a "Sequence
Listing" is required. With respect, this is not the case – there are no nucleotide and/or
amino acid sequence contained in the disclosure of this application. Perhaps there was
some confusion associated with applicants' frequent use of abbreviations instead of
repeating lengthy names and terms. As an illustration of this page 12, line 10 combined
treatment (CT) is mentioned and later in the specification the abbreviation is used as on

TATO,,F

Serial No. 10/088,678

page 18, line 7. Another of the many instances is on page 42 where mouse embryofibroblast (MEF) cells are mentioned.

As there is no disclosure of nucleotides and/or amino acid sequence in the application as filed, no sequence listing is required nor appropriate.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford

Reg. No. 25,327

ARC:eaw

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

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UNITED STATES PATENT AND TRADEMARK OFFICE

DT19 Rec'd PCT/PTO 16 OCT 2002

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/088,678	FIRST NAMED APPLICANT F Tato	ATTY. DOCKET NO. 4161-2
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INTERNATIONAL APPLICATION NO. PCT/IT00/00373

I.A. FILING DATE 09/21/2000	PRIORITY DATE 09/21/1999
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Nixon & Vanderhye
1100 North Glebe Road
8th Floor
Arlington, VA 22201-4714

CONFIRMATION NO. 4826

371 FORMALITIES LETTER



OC000000008295620

Date Mailed: 06/18/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Request for Immediate Examination

DOCKETED

CLT/MATTER # 4461-2
MAIL DATE 6/18/02
DUE DATE Aug 18, 2002
FINAL DEADLINE Jan 18, 2003
DOCKETED BY M45/p

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- Additional claim fees of **\$568** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$568** for a Large Entity:

- Total additional claim fee(s) for this application is **\$568**
 - **\$288** for 16 total claims over 20.
 - **\$280** for multiple dependant claims surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,678	PCT/IT00/00373	4161-2

Rec'd PCT/PTO 16 OCT 2002

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TATO, F

Atty. Ref.: 4161-2

Serial No. 10/088,678

Group:

Filed: March 21, 2002

Examiner:

For: METHOD FOR THE SELECTIVE PROTECTION OF PROLIFERATING NORMAL
CELLS AND THE SELECTIVE ERADICATION OF TUMOR CELLS HAVING AN
INACTIVE P53 PATHWAY

* * * * *

October 16, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUBMISSION OF INVENTORS' DECLARATION
UNDER 37 C.F.R. §1.42 AND 1.63

Attached is a declaration signed by the three heirs of Franco TATO, deceased, together with proof of authority in the form of a Declaration Substitutive of a Notority Deed (in Italian) including a verified English translation of same.

The declaration is also executed by inventors Antonio ZANETTI and Milena GROSSI.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: _____



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Reg. No. 25,327

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